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Greensburg Manufacturing, LLC and International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America, UAW. Case 25–CA–30467

August 26, 2010

DECISION AND ORDER

BY CHAIRMAN LIEBMAN AND MEMBERS SCHAUMBER
AND HAYES

On June 24, 2009, the two sitting members of the Board issued a Decision and Order in this proceeding, which is reported at 354 NLRB No. 35. Thereafter, the General Counsel filed an application for summary enforcement. On June 17, 2010, the United States Supreme Court issued its decision in *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635, holding that under Section 3(b) of the Act, in order to exercise the delegated authority of the Board, a delegee group of at least three members must be maintained. Thereafter, the court of appeals remanded this case for further proceedings consistent with the Supreme Court's decision.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.²

As described more fully in the above-referenced decision, the Acting General Counsel seeks a Judgment on the Pleadings in this case on the ground that the Respondent has filed an answer to the amended compliance specification that admits all the allegations set forth in the amended compliance specification and raises no affirmative defenses.

Ruling on Motion for Judgment on the Pleadings

As stated above, the Respondent's answer to the amended compliance specification admitted all of the allegations in the compliance specification, including the allegations that the Respondent owes certain amounts of backpay to each of the 30 listed individuals. Absent any material issue of fact or law, we grant the General Counsel's Motion for Judgment on the Pleadings. Accordingly, we adopt the findings, conclusions, and Order set forth in the Decision and Order reported at 354 NLRB No. 35, which is incorporated by reference.

. Dated, Washington, D.C. August 26, 2010

Wilma B. Liebman,	Chairman
Peter C. Schaumber,	Member
Brian E. Hayes,	Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

sion. Furthermore, under the Board's standard procedures applicable to all cases assigned to a panel, the Board Members not assigned to the panel had the opportunity to participate in the adjudication of this case at any time up to the issuance of this decision.

¹ Effective midnight December 28, 2007, Members Liebman, Schaumber, Kirsanow, and Walsh delegated to Members Liebman, Schaumber, and Kirsanow, as a three-member group, all of the powers of the National Labor Relations Board in anticipation of the expiration of the terms of Members Kirsanow and Walsh on December 31, 2007. Thereafter, pursuant to this delegation, the two sitting members issued decisions and orders in unfair labor practice and representation cases.

² Consistent with the Board's general practice in cases remanded from the courts of appeals, and for reasons of administrative economy, the panel includes the members who participated in the original deci-